



Town of Arlington
Department of Health and Human Services
Office of the Board of Health
27 Maple Street
Arlington, MA 02476

Tel: (781) 316-3170
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**Board of Health Meeting Agenda
Wednesday, November 1, 2017
Ground Floor Conference Room
Arlington Senior Center
5:30pm**

- I. Accept September 13, 2017 Meeting Minutes
 - II. HEARING: Not Your Average Joe's- Repeat Violations- Exhaust Hood
 - III. DISCUSSION: Adoption of Food and Drug Administration (FDA) 2013 Food Code
 - IV. DISCUSSION: Amendments to Regulations Restricting the Sale of Tobacco and Nicotine Delivery Products
 - V. DISCUSSION: Draft Schedule of 2018 BOH Meeting Dates
 - VI. Environmental Updates
 - VII. Restaurant Updates
 - VIII. Public Health Nurse Updates
 - IX. Public Comment
- Adjourn



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D R A F T
Board of Health Meeting Minutes
Wednesday, September 13, 2017
BOH Conference Room
Arlington Senior Center
5:30pm

Board Members in Attendance: Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg

Staff in Attendance: Christine Bongiorno, H&HS Director; Natasha Waden, Director of Public Health; Kylee Sullivan, Health Compliance Officer

Absent: Dr. Kevin Fallon

Others in Attendance: None

Recording Secretary: Laura Munsey, Health & Human Services Administrative Assistant

Meeting called to order by Dr. Marie Walsh Condon at 5:30 pm.

A motion was made by Mr. Kenneth Kohlberg, which was seconded by Dr. Marie Walsh Condon to accept the June 21, 2017 meeting minutes as submitted.

Vote: 2 – 0 (Unanimously) in favor of the motion

Hearing: Amendments to Regulations Restricting the Sale of Tobacco and Nicotine Delivery Products

Director Waden provided the Board with draft recommendations to amend the regulations restricting the sale of tobacco and nicotine delivery products. She informed the Board that she and Inspector Sullivan have incorporated some changes, and will work with Mr. D.J. Wilson to provide additional guidance regarding the appropriate methodology to determine the maximum number of tobacco and nicotine delivery product permits to be allowed in Arlington. A final version of recommendations will be presented at the November 1st or December 6th meeting and recommended that the hearing be postponed until all corrections have been incorporated.

Discussion: Adoption of Food and Drug Administration (FDA) 2013 Food Code

Director Waden informed that Board that Ms. Maureen Lee was unable to attend tonights meeting, but on Maureen's behalf, she updated the Board on the progress to adopt the Food and Drug Administration 2013 Food Code. She stated the biggest changes relate to:

- The Inspection Form;
- Policies and procedures regarding critical and non-critical violations in which immediate corrections will be required by establishment management, and critical violations will need to be corrected while the Inspector is on-site;
- Priority and non-priority foundations; and
- Clear procedures of variance requests will be outlined.

To adopt the 2013 food code a public hearing will need to be scheduled.

Director Waden stated the Department would like the Board to vote to adopt the 2013 Food Code at the November 1st meeting. Implementation would begin in January 2019. This would give adequate time to purchase electronic software, and educate/train the establishments, staff, and community at large.

Mr. Kohlberg inquired when a newer version of the 2013 food code will be released, and Director Waden stated typically every four years. Based on that time line, Mr. Kohlberg inquired if it may be worthwhile to wait for the newest version to be released. Director Waden she would discuss the matter with Ms. Maureen Lee.

Discussion: SNAP gap

Director Bongiorno, addressed the Board and shared that SNAP (Supplemental Nutrition Assistance Program) is the federally funded program that provides low income residents with financial assistance to purchase food. She stated that the Health and Human Services Department has conducted a needs assessment to evaluate the social determinants of health within Arlington. As part of this initiative, and grant received, an Intern, Mr. Domenic Gentile, was hired and conducted research over the summer which indicated a large number of Arlington residents have housing insecurity, food insecurity, and senior health related issues. Related to food insecurity, the Greater Boston Food Bank estimates that there are approximately 3,500 food insecure individuals in Arlington. The Arlington Food Pantry served 945 people in the year from July 1, 2016 to June 30, 2017. It was reported that only 40% of Food Pantry clients have SNAP benefits and 60% do not participate in the SNAP program. Additionally, in Arlington, there are 4,000 individuals on MassHealth, but only 1,500 receive SNAP benefits.

As a result, the Health & Human Services Department has partnered with over two dozen community businesses, and organizations, and will kick off the **Closing the SNAP Gap campaign** on Tuesday, September 26th at 8:30 am in the Lyons Hearing Room at Town Hall. Partners will reach out to the residents in Arlington, and provide information to those who would qualify and benefit from the SNAP Program. Social Workers within the H&HS Department will work with residents to register them for the SNAP program to help alleviate the food insecurity of residents in need. Food Link has worked with the Farmers Market in Arlington and Vendors will now allow SNAP benefits to be used for Fruit and Vegetable purchases.

Coalition Updates

No updates to report.

Environmental Updates:

Director Waden informed the Board that next month, Inspector Sullivan will be attending a rodent seminar in New York City, to gather information to help address the increasing number of rodent complaints within Arlington. Mr. Kohlberg asked Inspector Sullivan to inquire if New York City found any correlation between recycling efforts and rodent activity. Inspector Sullivan stated she would report back to the Board at the November 1st meeting.

Ms. Waden informed the Board that over the summer, Mystic Lakes had a toxic algae bloom, and the Medford Boat Club was closed to swimming for 2 weeks.

Mosquitos have tested positive in Arlington for West Nile Virus.

Ms. Amira Nwokeji-Iwuala is a Northeastern University Student who will be working as an Intern at the Health Department through December of 2017.

Director Waden informed that Board that Mr. Padraig Martin has been hired as the new Lead Health Compliance Officer. She reported Mr. Martin will be coming from Watertown, and not only has many years experience in the municipal sector, but also worked in the private sector at a noise engineering firm, and will bring a wealth of knowledge to the Department. Mr. Martin will begin his position on September 25th.

The Board congratulated Ms. Waden for being hired as the new Director of Public Health.

Restaurant Updates

Inspector Sullivan reported plan reviews have been received for:

- Dunkin Donuts (Broadway) – The establishment is changing ownership. The plan review application is being assessed and a conditional approval letter will be sent to the new owner.
- Classic Café - The establishment is changing ownership. The plan review application has been approved and a pre-operational inspection will be conducted next week.
- Jimmy's Steer House – The establishment is changing ownership. The plan review application has been approved, new equipment is being finalized, and a final inspection will be conducted.
- Momadou's Bakery – A meeting is scheduled for next week to discuss the plan review application.
- The Green Light (A smoothie establishment) – The establishment is completing a plan review application to submit to the Office.

- The Granola Bowl (At the Art Lounge) – The plan review application has been approved and a pre-operational inspection needs to be scheduled.

Town Day is scheduled for September 16th, and Health Department Inspectors will be on site to inspect food stations, and provide temporary food permits for registered food vendors .

Public Health Nurse Updates

Standing orders for flu vaccination clinics were provided to Dr. Marie Walsh Condon for signature.

The Arlington Health Department is once again offering seasonal flu vaccinations. Because seniors are at a greater risk for severe complications from the flu, the Arlington Health Department has purchased both the high dose and regular flu vaccines for Arlington seniors ages 65 and older. Clinics will be held at each of the senior housing buildings, and additional clinics at the Senior Center. The State Vaccination Program will provide state-supplied vaccine for children ages 6 months to 18 years of age, and the Health Department will conduct clinics at each of the Arlington Public Schools, and hold other clinics for children as appropriate. New this year, electronic forms will be used for school-based clinics.

Flu clinics will begin October 4th and will wrap up by the end of November.

Public Comment

None

Meeting was adjourned at 6:00 pm



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MEMO

To: Board of Health Members

From: Kylee Sullivan, Health Compliance Officer

Date: October 27, 2017

RE: Not Your Average Joe's Exterior Exhaust System Outstanding Violations

The exterior exhaust system located outside behind Not Your Average Joe's has been actively leaking grease for at least the past six months. This grease is a fire hazard that threatens the health, well-being and safety of employees and customers of the establishment, as well as the general public. On June 5th I met with Andrew Gilmartin, Seth Caplan, and Lauren Dexter from Not Your Average Joe's to discuss this issue. During the meeting, I was informed that the grease that drips onto the ground is power-washed weekly and that the unit will be assessed in the near future to determine the cost of replacement. Continued contact with Ms. Dexter and Mr. Caplan throughout the summer did not result in any evidence of addressing this issue and as a result an order letter was sent to the President of the organization on August 2nd. The order letter cited the leaking system and accumulated grease as a public health nuisance and a violation of the 1999 FDA Food Code, requesting that the violation be brought into compliance within fourteen days.

Since August, the exhaust system has been determined to be operating in accordance with the manufacturer's terms and conditions by CS Ventilation. After speaking with a representative from CS Ventilation, Director Waden was informed that the unit continues to leak grease because the duct work is not welded. Additionally, the unit has been cleaned at least two times (August 3rd and September 21st) and sealed once (September 21st). On September 11th, Director Waden, Mr. Caplan and I met to discuss the condition of the exhaust system. Mr. Caplan informed us that the system will be sealed using a liquid sealant to prevent the leaking of grease. Mr. Caplan further explained that the system will be cleaned and sealed bimonthly to prevent grease leaks and build ups. During the discussion, Director Waden explained that if the liquid sealant does not effectively prevent grease leaks then an alternative such as welding or replacing the unit will need to be pursued in order to bring this violation into compliance. One week after being sealed on September 21st, I inspected the system and found that an active leak was still present and I observed grease accumulated on the ground below the unit. To date, the exhaust system continues to leak grease and thus this violation has not been brought into compliance.

Please find the following documents attached:

1. Order Letter dated August 2, 2017
2. Pictures of the exhaust system from October 27, 2017



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August 2, 2017

Via Email

Not Your Average Joe's Inc.
2 Granite Street, Ste 300
Milton, MA 02186

*RE: Not Your Average Joe's
645 Massachusetts Avenue
Arlington, MA 02476
Noise and Sanitation Complaints
Order to Correct*

Dear Mr. Silverstein:

On July 25, 2017 Public Health Director Natasha Waden and Public Health Associate Charlotte Gray conducted an outdoor facilities inspection of Not Your Average Joe's in Arlington, MA. This inspection was a follow up to an initial complaint this Office received on May 16, 2017 regarding excessive noise produced from the exterior exhaust fan and subsequent contact between Not Your Average Joe's staff and this Office. On June 5, 2017, Charlotte Gray and Health Compliance Officer Kylee Sullivan met with Lauren Dexter, Seth Caplan, and Andrew Gilmartin of Not Your Average Joe's to discuss the dumpster chute replacement and HVAC noise disturbance. Following this meeting, Kylee Sullivan requested a timeline of the garbage chute's planned removal and an inspection report of the HVAC from an approved contractor via email on June 8, 2017. As of the inspection on July 25, 2017, neither requests had been met. The inspection was conducted in accordance with 105 CMR 590.000: Minimum Sanitation Standards for Food Establishments (State Sanitary Code Chapter X), the Food and Drug Administration's 1999 Food Code, 6-102.11 and M.G.L. c.111 §122 & §123: Regulations ("Nuisance Regulation") Relative to Nuisances. The purpose of the Nuisance Regulation is to protect the health, safety, and well-being of Massachusetts citizens and applies to any public or private premises. The following conditions were observed:

Violations

Exterior

- Violation(s):*** The exterior exhaust appears to be in disrepair. There is a significant grease build up on the exterior of the unit and grease was observed leaking from various points of the unit. In addition, numerous grease puddles were observed on the ground around the unit.

Corrective Action(s): Hire a licensed professional hood cleaning company to inspect the condition of the exhaust system and replace the unit as necessary.

Relevant Code Citation(s):

M.G.L. Ch. 111 § 122, which states: "The board of health shall examine into all nuisances, sources of filth and causes of sickness within its town, or on board of vessels within the harbor of such town, which may, in its opinion, be injurious to the public health, shall destroy, remove or prevent the same as the case may require, and shall make regulations for the public health and safety relative thereto and to articles capable of containing or conveying infection or contagion or of creating sickness brought into or conveyed from the town or into or from any vessel. Whoever violates any such regulation shall forfeit not more than one thousand dollars."

M.G.L. Ch. 111 § 123, which states: "Said board shall order the owner or occupant of any private premises, at his own expense, to remove any nuisance, source of filth or cause of sickness found

thereon within twenty-four hours, or within such other time as it considers reasonable, after notice; and an owner or occupant shall forfeit not more than one thousand dollars for every day during which he knowingly violates such order."

FDA 1999 Food Code 6-501.14, which states: "If vented to the outside, ventilation systems may not create a public health hazard or nuisance or unlawful discharge."

2. **Violation(s):** The garbage chute does not properly feed into the dumpster. This allows for trash, debris, and food waste to remain on the ground and for the dumpster to remain open. This is a potential rodent attractant as it is a regular and accessible food source. On June 5, 2017, Not Your Average Joe's representatives reported that the garbage chute is to be removed. See Attachment #1.

Corrective Action(s): Provide documentation of the garbage chute's removal plan. Remove the garbage chute and install dumpsters with tight-fitting lids that are rodent-proof.

Relevant Code Citation(s):

M.G.L. Ch. 111 § 122

M.G.L. Ch. 111 § 123

FDA 1999 Food Code 5-501.19, which states: "The location of receptacles and waste handling units for refuse, recyclables, and returnables may not create a public health hazard or nuisance or interfere with the cleaning of adjacent space."

FDA 1999 Food Code 5-501.110, which states: "Refuse, recyclables, and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents."

FDA 1999 Food Code 5-501.15, which states: "Receptacles and waste handling units for refuse, recyclables, and returnables used with materials containing food residue and used outside the food establishment shall be designed and constructed to have tight-fitting lids, doors, or covers."

FDA 1999 Food Code 5-501.115, which states: "A storage area and enclosure for refuse, recyclables, or returnables shall be maintained free of unnecessary items."

You are hereby ordered to comply with the following:

- A. Correct this violation within fourteen (14) days. A re-inspection of the property will be conducted during mid-August. Should this issue be resolved sooner, please feel free to contact the undersigned to reschedule the inspection.

Failure to comply with this order may result in legal action taken against you pursuant to 105 CMR 410.910.

Be informed that you have the right to a hearing. This Office must receive written request for said hearing within seven days upon receipt of this order. You have the right to be represented at this hearing, and any affected party has a right to appear at the hearing. In addition, you have the right to inspect and obtain copies of all relevant reports, orders, notices and other documentary information in possession of this office. Please direct any questions to the undersigned.

Signed under the pains and penalties of perjury:

Sincerely,

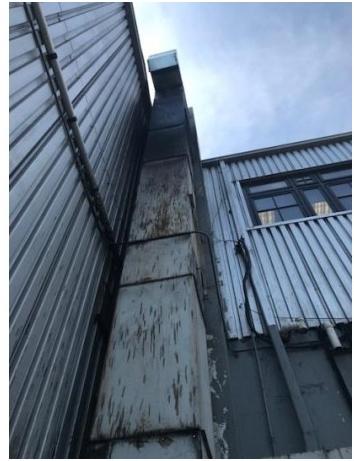
Kylee Sullivan
Health Compliance Officer
ksullivan@town.arlington.ma.us
(781) 316-3170

cc: Christine Bongiorno, Director of Health and Human Services
 Natasha Waden, Director of Public Health
 Steve Silverstein, Not Your Average Joe's Founder/CEO

Attachments

Attachment #1

Accumulation of grease on the exterior of the exhaust unit.



Attachment #2

Grease puddles below the exhaust unit.



Attachment #3

Garbage chute does not adequately feed into dumpster. Food and debris on ground.



**Not Your Average Joe's
Picture Attachments
10/27/2017**

Picture #1: Grease accumulation on the ground below the unit.



Picture #2: Grease dripping from a part of the unit that was sealed on 09/21/2017.



Picture #3: Grease dripping from the bottom of the unit that was sealed on 09/21/2017.



Picture #4: Grease accumulation below the unit into a bucket. This area is below the portion of the unit depicted in picture #3.



Picture #5: Grease accumulation at the top of the unit.



DRAFT
2018 Proposed Board of Health Meeting Schedule
Wednesdays 5:30pm

February 7, 2018
April 11, 2018
May 23, 2018
June 20, 2018
September 12, 2018
October 24, 2018
December 5, 2018

Location: Ground Floor Conference Room
27 Maple Street